

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation

Master File No. 1:00-1898  
MDL No. 1358 (SAS)  
M21-88

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This Document Relates To:  
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*Town of Hartland v. Amerada Hess Corp. et al.*,  
Case No. 04-CV-2072

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**PLAINTIFF AND DEFENDANT JOHNSON & DIX FUEL  
CORP.'S JOINT MOTION FOR VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)**

Plaintiff Town of Hartland owns and operates a public drinking water system(s) that supplies water to residential and business users within its service areas. Plaintiff alleges that its water supplies are impacted and/or threatened by MTBE contamination. Because this matter is not a "focus case", minimal discovery or other work has been conducted in this matter.

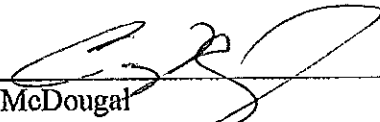
In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation  
Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff and Defendant Johnson & Dix Fuel Corp. now jointly move for dismissal without prejudice. Plaintiff has decided not to pursue its MTBE claims against Johnson & Dix Fuel Corp. at this time. Plaintiff and Johnson & Dix Fuel Corp. have agreed that Plaintiff may refile MTBE claims against Johnson & Dix Fuel Corp. in the event that Plaintiff, upon receipt of further information, determines the MTBE claims against Johnson & Dix Fuel Corp. are meritorious. Plaintiff and Johnson & Dix Fuel Corp. ask the court to dismiss Plaintiff's MTBE claims against Johnson & Dix Fuel Corp. without prejudice, with each party to bear its own costs. Plaintiff and Johnson &

Dix Fuel Corp. agree that this request is reasonable and prejudices neither Plaintiff nor Johnson & Dix Fuel Corp.

DATED: February 26<sup>th</sup>, 2010.

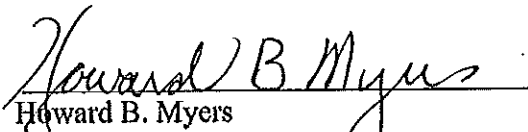
RESPECTFULLY SUBMITTED,

by:

  
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*Counsel for Defendant  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **PLAINTIFF AND DEFENDANT JOHNSON & DIX FUEL CORP.'S JOINT MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE PURSUANT TO FRCP 41(a)(2)** was served on all counsel of record by posting it directly to LexisNexis File & Serve on February 26<sup>th</sup>, 2010.

  
SHELLY PETERSEN